

ESTTA Tracking number: **ESTTA618891**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Application Serial No.	79133708
Applicant	Vitality Brands Worldwide Pty Ltd

## Notice of Appeal

Notice is hereby given that Vitality Brands Worldwide Pty Ltd appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 79133708.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 030. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Preparations made from cereals, namely, cereal based food bars, bread and pastry; confectionery; cereal based snack food; crisp bread; flavorings for snack foods; rice based snack foods; cereal based snack; cereal flour based snack food products made from cereals; snack foods consisting principally of extruded cereals, namely, cereal based food bars; grain based snack foods; wheat-based snack foods; cereal derived food bars; grain based food bars also containing dried fruits, chocolate, nuts; ready to eat cereal-derived food bars; muesli bars; fruit ice bars; cereal based energy bars; high-protein cereal bars; chocolate; chocolate bars; coffee; tea; herbal teas; cocoa; sugar; rice; tapioca; sago; artificial coffee; flour and preparations made from cereal flours, namely, bread and pastry; ices; honey; treacle; yeast, baking-powder; salt; mustard; vinegar; sauces; spices and dried natural herbs; powdered preparations containing cocoa for use in making beverages; all the foregoing including foods suitable for specific dietary requirements for infants, gluten free, wheat free, egg free, dairy free, low glycaemic index, low fat, low salt, low joule, organic
- Class 032. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Non-alcoholic drinks, namely, natural drinks used to aid sleep containing Montmorency cherry juice and Lactium; powder for making beverages; all the foregoing suitable for specific dietary requirements including for infants, gluten free, wheat free, egg free, dairy free, low glycaemic index, low fat, low salt, low joule, organic

Respectfully submitted,

/ahs/

07/31/2014

**Andrew H. Simpson**

**Knobbe, Martens, Olson & Bear, LLP**

**2040 Main Street, 14th Floor**

**Irvine, CA 92614**

**UNITED STATES**

**efiling@knobbe.com**

**949 760 0404**